

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Jeffrey McGinnes, Wendy Berry, Lorri Hulings, and
Kathleen Sammons, individually and as
representatives of a class of similarly situated
persons, and on behalf of the FirstGroup America,
Inc. Retirement Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup America, Inc.
Employee Benefits Committee, and Aon Hewitt
Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-TSB

Judge Timothy S. Black

PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Pursuant to the Parties' Stipulated Protective Order (ECF No. 65) and Local Rule 5.2.1(a), Plaintiffs Jeffrey McGinnes, Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan, (collectively "Plaintiffs") hereby move for leave to file under seal the following items in connection with Plaintiff's Motion for Class Certification:

- An unredacted version of Memorandum in Support of Plaintiffs' Motion for Class Certification;
- An unredacted version of the Preliminary Expert Report of Brian C. Becker, Ph.D;
- The exhibits to the Declaration of Kai Richter listed below:
 - **EXHIBIT 15:** AON-FGP-00273298;

- **EXHIBIT 19:** AON-FGP-00110864;
- **EXHIBIT 20:** AON-FGP-00196907;
- **EXHIBIT 28:** AON-FGP-00038226;
- **EXHIBIT 43:** AON-FGP-00234723;
- **EXHIBIT 44:** AON-FGP-00069596;
- **EXHIBIT 49:** AON-FGP-00234713; and
- **EXHIBIT 51:** AON-FGP-00015221.

In support of this Motion, Plaintiffs state as follows:

1. On July 8, 2021, the Parties filed a Stipulated Protective Order in this action. (ECF No. 65.) Pursuant to the Stipulated Protective Order, a party may designate certain material that it believes to be Confidential or Highly Confidential as “Protected Material.” *Id.* at ¶¶ 6-9.

2. The Stipulated Protective Order further provides:

If a receiving party wishes to submit Protected Material to the Court that another party or nonparty designated Confidential or Highly Confidential, then the receiving party must file a motion for leave to file under seal, which will identify the document or other material for which the restriction is sought.

Id. at ¶ 21.

3. The items that Plaintiffs seek to file under seal contain information that has been produced and designated as “Confidential” or “Highly Confidential” by Defendant Aon Hewitt Investment Consulting, Inc. (“Aon Hewitt”).

4. Plaintiffs take no position on whether Aon Hewitt’s confidentiality designations are appropriate or supported by law. Pursuant to the Stipulated Protective Order, it shall be Aon Hewitt’s obligation to support this motion as the party who designated the underlying material “Confidential” or “Highly Confidential”, and Aon Hewitt shall have seven (7) business days in which to file a response in support of the motion to seal. *Id.* at ¶ 21.

Subject to Aon Hewitt making the necessary showing, Plaintiffs respectfully request leave to file the foregoing items under seal.

Dated: February 11, 2022

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 11th day of February, 2022, that the undersigned electronically filed and served the foregoing document through this Court's ECF system.

/s/ Kai H. Richter

Kai H. Richter